

ORDINANCE NO. 46-209

AN ORDINANCE AMENDING SECTION 10.04.131 AND 10.04.132  
OF THE CODE OF THE CITY OF WICHITA, KANSAS PERTAINING  
TO STREET AND SIDEWALKS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA,  
KANSAS:

SECTION 1. Sections 10.04.131 and 10.04.132 of the Code of the City of Wichita,  
Kansas shall be amended to read as follows:

**Section 10.04.131 Same--Permit.**

Permits and applicable procedure. (a) Upon application to the City's Office of Central Inspection and approval by the city manager, a permit for isolated sales may be issued to allow the location of stands, tables, racks and other devices for the sale and display of merchandise upon public sidewalks for a period not to exceed three days annually, such three day period to run consecutively. The application shall be referred to the city's division of Traffic Engineering, Office of Central Inspection and the Fire Department for their recommendations and determination that the sidewalk sale activity will not endanger or unduly inconvenience the public.

(b) Sidewalks used for the display and sale of goods under a permit for isolated sales must be located in nonresidential zoning districts. The location of the display devices shall be made so that no more than one-half of the sidewalk area from front to back is occupied by the display racks, etc., but in no case shall the unobstructed sidewalk area be less than four feet; furthermore, the placement of the display racks, etc., shall be limited so that each merchant shall

display his merchandise only within the area of the sidewalk which immediately abuts his business.

(c) Upon application to the City's Department of Public Works, and notice and opportunity to comment afforded to the public, a Sidewalk Café permit may be issued. That permit will allow the location of diverters, plantings, stands, tables, lighting, seating, devices for protection of patrons from the elements and other devices for the sale and service of prepared meals and beverages. The sale, service and consumption of prepared meals and beverages including alcoholic liquor, shall be allowed upon public sidewalks within the permitted area as provided under K.S.A. 12-406a and K.S.A. 41-719 (d). The application shall comply with the administrative requirements established by the City Engineer, and shall be referred to the city's division of Traffic Engineering, the Office of Central Inspection and the Fire Department for their recommendations and determination that the sidewalk café operation as described in the application will not endanger or unduly inconvenience the public. If negative public comment is received, the City Engineer shall hold a public hearing and shall make a decision on the issuance of the permit. A permit denial may be appealed to the City Council in a writing delivered to the City Clerk within 15 days of the decision by the City Engineer.

#### **Section 10.04.132 Permit issued**

Same - Approval of application Issuance. On approval of the application for either permit referred to in the preceding section and upon payment of the required fee, the permit shall be issued by the Superintendent of Central Inspection for the isolated sales permit and by the Director of Public Works for the Sidewalk Café permit. This permit is in addition to any other license or permit required for the operation intended. The area encompassed by a valid Sidewalk

Café Permit may be included by the permit holder as part of the licensed premises submitted for any club or drinking establishment license issued by the State of Kansas.

SECTION 2. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon adoption and publication in the official city newspaper.

PASSED by the governing body of the City of Wichita, Kansas, this July 20, 2004.

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Carlos Mayans, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to Form:

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Gary E. Rebenstorf, Director of Law